Dangerous illusion

To accept the idea that the decision is a "mixed bag" composed of both good and bad elements is a dangerous illusion and is in effect a coverup for the decision's basic racism. By striking down the specific means—the numerical quota for minority peoples set by the University of California at Davis—the court majority gave the substance to the racist forces and only the shadow to the Black and other minority peoples.

To rely on a few phrases in the decision for support of affirmative actions without quotas is to try to climb a rope of sand. The objective must be a complete reversal of the Bakke decision by a higher court—the court of active public opinion and mass action.

The basic issue presented by Bakke cannot be resolved by the court's decision. As was said about the Dred Scott case, the Bakke case will not be decided until it is decided rightly, that is, until affirmative action programs with clear-cut quotas are firmly established and the present exclusionary policies against Blacks and other national minorities and women are ended.

The sharp division in the court indicates the pressures that have been developed in opposition to racism in the country—and what still can be done. There are powerful forces aligned in the fight for affirmative action as was reflected in the dozens of briefs submitted to the court. These forces need to be speedily united on a common position to reverse the Bakke decision.

Labor must act

Labor should speak out promptly, opposing the majority decision, supporting the eloquent minority opinion of Associate Justice Thurgood Marshall and backing the steel union in the Brian Weber case—labor's own Bakke case. A cascade of resolutions should pour forth from union locals, executive boards, membership, caucus and committee meetings.

Civic and religious leaders and organizations should speak out promptly against the court majority decision and for stepped-up affirmative action and against local anti-affirmative action suits pressed by some police and firemen's organizations.

Student action should be organized on every campus to block retreats on affirmative action and instead to demand new advances.

International opinion about this denial of human rights as expressed by the International Commission of Jurists' condemnation of the majority opinion should be mobilized.

Reversal of the Bakke decision is crucial for the working class and for general democratic advance. We Communists will join with all democratic-minded persons, irrespective of political views or affiliations, who are prepared to do battle in this epic struggle.

The struggle to end exclusion and to win affirmative action programs with teeth must go on. Victories can be won, Bakke decision or no. The masses of people, Black and white, will have the last word. •

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REVERSE THE BAKKE RULING

"If we'd plugged his side first, we'd all be better off!"

Statement of the Communist Party, USA

Reprinted from the DAILY WORLD, July 8, 1978

The Supreme Court's five to four decision in the Bakke case is a racist ruling—and will so be seen all over the world. This vicious act, masked in hypocritical phrases, in fact upholds exclusion against Blacks and promotes division between Black and white.

Facing a new economic depression, the U.S. ruling class is seeking through its corporate-controlled high court to divert the white workers from the real enemy and make the Black workers the enemy.

The decision is a craftily calculated blow against the struggle for economic, political and social equality and Black-white unity. It continues a trend of attacking all the historic advances made in struggle by the Black people and their allies, particularly seeking to dismantle the civil rights gains of the 1960s and reversing the 1954 Brown decision against segregated schools.

Likened to Dred Scott

In the context of the 1970s it is a virtual Dred Scott decision reaffirming Justice Taney's infamous words that Blacks "had no rights which the white man was bound to respect." Acquiesced to by the Carter Administration—notwithstanding its hypocritical clamor about "human rights"—the decision in fact follows essentially the position outlined by the Justice Department in its first brief to the court. The Carter Administration, which hailed it, is guilty of complicity in this decision, an updated version of the 1896 Plessy v. Ferguson

case in which the Supreme Court enunciated the notorious "separate but equal" doctrine which, in fact, meant segregated and unequal.

The Bakke decision gives legal sanction to the hoax of "reverse discrimination." The profound falsity of "reverse discrimination" is transparent even when measured by California standards of medical education. That state has a 25 percent Black and brown population—**but only three percent Black and brown medical students.** The Bakke decision thus upholds a white quota system of 97 percent white and three percent Black and brown—and the three percent will dwindle if the decision is permitted to be implemented.

But Bakke is far more than an attack on affirmative action programs in higher education where Blacks and other minorities have long been systematically excluded. It is a new form of racism. It is a key element in a wide-ranging assault on affirmative action programs everywhere, particularly in industry, in jobs, upgrading and promotion for Blacks and women. It is particularly devastating to the Black youth. It tells the Black youth who are already virtually locked out of industry and education that there is no hope for equality of opportunity.

Ultra-right drive

The Bakke decision is part of the ultra-right drive to reverse the growing trend of Black-white unity, especially among the organized workers. It is part

of the larger pattern of the big monopolies' offensive against labor and the living standards of the working people. It is designed to perpetuate racism as a system, for without racism monopoly capital cannot keep the workers divided and weakened. And for monopoly capital, racism means superprofits.

Thus the decision is an attack on the entire working class, Black and white, and has already encouraged new attacks on affirmative action programs in various plants. It has accelerated reactionary efforts to disrupt affirmative action agreements between unions and employers in industry.

Significantly, the decision follows the shelving of the labor reform law in the Senate. Clearly, unless the Bakke decision is reversed, it will weaken further the entire labor movement in its struggle to maintain its hard won gains. It, therefore, must be fought by our entire multi-racial working classs as a danger to its living standards as well as a peril to democracy.

No white worker should believe for a minute that the racist majority which adopted the Bakke decision means him or her any good. Destruction of the rights of the Black people means sooner or later destruction of the rights of **all** workers. The whole history of segregation has demonstrated that lower wage levels, worse working conditions, poorer schools and housing inevitably drag down the living standards of white workers.

Unity strengthens workers

On the other hand, where racist barriers have been broken and Black-white unity established, the workers have been strengthened in their fight to improve their working and living conditions. All history demonstrates the profound truth of Karl Marx's classic statement that "labor in a white skin cannot be free so long as labor in a Black skin is branded."

No one should be deluded by the decision's language acknowledging the permissiblity of using race as an element in determining an applicant's qualifications. This was just a hypocritical verbal concession to the powerful movement for equality here and to world public opinion, particularly in Africa, Asia and Latin America. It is related to neo-colonialism and opens the door to new forms of segregation.

The decision, particularly Justice Powell's pivotal opinion, reflects a new form of "benevolent" racism devised by the ruling class. It implies a "tolerance" for a sharply limited number of Blacks—but only within the limits set by white supremacists who will accept a sprinkling of "diversity," as developed in the so-called Harvard Plan which eliminates all quotas and relies on the good will of admission officers. By rejecting the means—that is affirmative action programs with defined quotas—Powell has rejected the ends—the goal of genuine equality sought by the Black people. He thus craftily strengthens a masked form of racism.